

FIRST REGULAR SESSION

[CORRECTED]

[PERFECTED]

SENATE BILL NO. 247

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

0966S.01P

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 143.114, 143.124, 143.125, 169.070, 169.141, 169.560, 169.596, and 169.715, RSMo, and to enact in lieu thereof nine new sections relating to retirement.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 143.114, 143.124, 143.125, 169.070,
2 169.141, 169.560, 169.596, and 169.715, RSMo, are repealed and
3 nine new sections enacted in lieu thereof, to be known as
4 sections 137.1050, 143.114, 143.124, 143.125, 169.070, 169.141,
5 169.560, 169.596, and 169.715, to read as follows:

137.1050. 1. For the purposes of this section, the
2 following terms shall mean:

3 (1) "Eligible credit amount", the difference between
4 an eligible taxpayer's real property tax liability on such
5 taxpayer's homestead for a given tax year, minus the real
6 property tax liability on such homestead in the year that
7 the taxpayer became an eligible taxpayer;

8 (2) "Eligible taxpayer", a Missouri resident who:

9 (a) Is eligible for Social Security retirement
10 benefits;

11 (b) Is an owner of record of a homestead or has a
12 legal or equitable interest in such property as evidenced by
13 a written instrument; and

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

(c) Is liable for the payment of real property taxes on such homestead;

(3) "Homestead", real property actually occupied by an eligible taxpayer as the primary residence. An eligible taxpayer shall not claim more than one primary residence.

2. Any county authorized to impose a property tax may grant a property tax credit to eligible taxpayers residing in such county in an amount equal to the taxpayer's eligible credit amount, provided that:

(1) Such county adopts an ordinance authorizing such credit; or

(2) (a) A petition in support of a referendum on such a credit is signed by at least five percent of the registered voters of such county voting in the last gubernatorial election and the petition is delivered to the governing body of the county, which shall subsequently hold a referendum on such credit.

(b) The ballot of submission for the question submitted to the voters pursuant to paragraph (a) of this subdivision shall be in substantially the following form:

Shall the County of _____ exempt senior citizens from increases in the property tax liability due on such seniors citizens' primary residence?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the credit shall be in effect.

3. A county granting an exemption pursuant to this section shall apply such exemption when calculating the

43 eligible taxpayer's property tax liability for the tax
44 year. The amount of the credit shall be noted on the
45 statement of tax due sent to the eligible taxpayer by the
46 county collector.

47 4. For the purposes of calculating property tax levies
48 pursuant to section 137.073, the total amount of credits
49 authorized by a county pursuant to this section shall be
50 considered tax revenue, as such term is defined in section
51 137.073, actually received by the county.

143.114. 1. As used in this section, the following
2 terms mean:

3 (1) "Commercial domicile", the principal place from
4 which the trade or business of the taxpayer is directed or
5 managed;

6 (2) "Deduction", an amount subtracted from the
7 taxpayer's Missouri adjusted gross income to determine
8 Missouri taxable income for the tax year in which such
9 deduction is claimed;

10 (3) "Employer securities", the same meaning as defined
11 under Section 409(1) of the Internal Revenue Code;

12 (4) "Missouri corporation", a corporation whose
13 commercial domicile is in this state;

14 (5) "Qualified Missouri employee stock ownership
15 plan", an employee stock ownership plan, as defined under
16 Section 4975(e)(7) of the Internal Revenue Code, and trust
17 that is established by a Missouri corporation for the
18 benefit of the employees of the corporation;

19 (6) "Taxpayer", an individual, firm, partner in a
20 firm, corporation, partnership, shareholder in an S
21 corporation, or member of a limited liability company
22 subject to the income tax imposed under chapter 143,

23 excluding withholding tax imposed by sections 143.191 to
24 143.265.

25 2. For all tax years beginning on or after January 1,
26 **[2017] 2023**, in addition to all other modifications allowed
27 by law, a taxpayer shall be allowed a deduction from the
28 taxpayer's federal adjusted gross income when determining
29 Missouri adjusted gross income in an amount equal to fifty
30 percent of the net capital gain from the sale or exchange of
31 employer securities of a Missouri corporation to a qualified
32 Missouri employee stock ownership plan if, upon completion
33 of the transaction, the qualified Missouri employee stock
34 ownership plan owns at least thirty percent of all
35 outstanding employer securities issued by the Missouri
36 corporation.

37 3. Whenever an employee leaves a Missouri corporation
38 with a qualified Missouri employee stock ownership plan, the
39 Missouri corporation shall inform the former employee of the
40 deadline for when the former employee shall decide whether
41 they will receive their shares of employer securities or
42 compensation for their shares of employer securities.

43 4. The department of revenue may promulgate rules and
44 regulations for the administration of this section. Any
45 rule or portion of a rule, as that term is defined in
46 section 536.010, that is created under the authority
47 delegated in this section shall become effective only if it
48 complies with and is subject to all of the provisions of
49 chapter 536 and, if applicable, section 536.028. This
50 section and chapter 536 are nonseverable and if any of the
51 powers vested with the general assembly pursuant to chapter
52 536 to review, to delay the effective date, or to disapprove
53 and annul a rule are subsequently held unconstitutional,

54 then the grant of rulemaking authority and any rule proposed
55 or adopted after August 28, 2016, shall be invalid and void.

56 [5. Under section 23.253 of the Missouri sunset act:

57 (1) The provisions of the new program authorized under
58 this section shall automatically sunset on December thirty-
59 first, six years after October 14, 2016, unless reauthorized
60 by an act of the general assembly;

61 (2) If such program is reauthorized, the program
62 authorized under this section shall automatically sunset on
63 December thirty-first, twelve years after the effective date
64 of the reauthorization of this section; and

65 (3) This section shall terminate on September first of
66 the calendar year immediately following the calendar year in
67 which the program authorized under this section is sunset.]

143.124. 1. Other provisions of law to the contrary
2 notwithstanding, for tax years ending on or before December
3 31, 2006, the total amount of all annuities, pensions, or
4 retirement allowances above the amount of six thousand
5 dollars annually provided by any law of this state, the
6 United States, or any other state to any person except as
7 provided in subsection 4 of this section, shall be subject
8 to tax pursuant to the provisions of this chapter, in the
9 same manner, to the same extent and under the same
10 conditions as any other taxable income received by the
11 person receiving it. For purposes of this section,
12 "annuity, pension, retirement benefit, or retirement
13 allowance" shall be defined as an annuity, pension or
14 retirement allowance provided by the United States, this
15 state, any other state or any political subdivision or
16 agency or institution of this or any other state. For all
17 tax years beginning on or after January 1, 1998, for
18 purposes of this section, annuity, pension or retirement

allowance shall be defined to include 401(k) plans, deferred compensation plans, self-employed retirement plans, also known as Keogh plans, annuities from a defined pension plan and individual retirement arrangements, also known as IRAs, as described in the Internal Revenue Code, but not including Roth IRAs, as well as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. An individual taxpayer shall only be allowed a maximum deduction equal to the amounts provided under this section for each taxpayer on the combined return.

2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be subtracted from Missouri adjusted gross income for that period, determined pursuant to section 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twelve thousand five hundred dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than sixteen thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than eight thousand dollars.

3. For the tax years beginning on or after January 1, 1990, but ending on or before December 31, 2006, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of the first six thousand dollars of retirement benefits received

51 by each taxpayer from sources other than privately funded
52 sources, and for tax years beginning on or after January 1,
53 1998, there shall be subtracted from Missouri adjusted gross
54 income, determined pursuant to section 143.121, a maximum of
55 the first one thousand dollars of any retirement allowance
56 received from any privately funded source for tax years
57 beginning on or after January 1, 1998, but before January 1,
58 1999, and a maximum of the first three thousand dollars of
59 any retirement allowance received from any privately funded
60 source for tax years beginning on or after January 1, 1999,
61 but before January 1, 2000, and a maximum of the first four
62 thousand dollars of any retirement allowance received from
63 any privately funded source for tax years beginning on or
64 after January 1, 2000, but before January 1, 2001, and a
65 maximum of the first five thousand dollars of any retirement
66 allowance received from any privately funded source for tax
67 years beginning on or after January 1, 2001, but before
68 January 1, 2002, and a maximum of the first six thousand
69 dollars of any retirement allowance received from any
70 privately funded sources for tax years beginning on or after
71 January 1, 2002. A taxpayer shall be entitled to the
72 maximum exemption provided by this subsection:

73 (1) If the taxpayer's filing status is single, head of
74 household or qualifying widow(er) and the taxpayer's
75 Missouri adjusted gross income is less than twenty-five
76 thousand dollars; or

77 (2) If the taxpayer's filing status is married filing
78 combined and their combined Missouri adjusted gross income
79 is less than thirty-two thousand dollars; or

80 (3) If the taxpayer's filing status is married filing
81 separately and the taxpayer's Missouri adjusted gross income
82 is less than sixteen thousand dollars.

83 4. If a taxpayer's adjusted gross income exceeds the
84 adjusted gross income ceiling for such taxpayer's filing
85 status, as provided in subdivisions (1), (2) and (3) of
86 subsection 3 of this section, such taxpayer shall be
87 entitled to an exemption equal to the greater of zero or the
88 maximum exemption provided in subsection 3 of this section
89 reduced by one dollar for every dollar such taxpayer's
90 income exceeds the ceiling for his or her filing status.

91 5. For purposes of this subsection, the term "maximum
92 Social Security benefit available" shall mean thirty-two
93 thousand five hundred dollars for the tax year beginning on
94 or after January 1, 2007, and for each subsequent tax year
95 such amount shall be increased by the percentage increase in
96 the Consumer Price Index for All Urban Consumers, or its
97 successor index, as such index is defined and officially
98 reported by the United States Department of Labor, or its
99 successor agency. For the tax year beginning on or after
100 January 1, 2007, but ending on or before December 31, 2007,
101 there shall be subtracted from Missouri adjusted gross
102 income, determined pursuant to section 143.121, a maximum of
103 an amount equal to the greater of: six thousand dollars in
104 retirement benefits received from sources other than
105 privately funded sources, to the extent such benefits are
106 included in the taxpayer's federal adjusted gross income; or
107 twenty percent of the retirement benefits received from
108 sources other than privately funded sources in the tax year,
109 but not to exceed the maximum Social Security benefit
110 available for such tax year. For the tax year beginning on
111 or after January 1, 2008, but ending on or before December
112 31, 2008, there shall be subtracted from Missouri adjusted
113 gross income, determined pursuant to section 143.121, a
114 maximum of an amount equal to the greater of: six thousand

115 dollars in retirement benefits received from sources other
116 than privately funded sources, to the extent such benefits
117 are included in the taxpayer's federal adjusted gross
118 income; or thirty-five percent of the retirement benefits
119 received from sources other than privately funded sources in
120 the tax year, but not to exceed the maximum Social Security
121 benefit available for such tax year. For the tax year
122 beginning on or after January 1, 2009, but ending on or
123 before December 31, 2009, there shall be subtracted from
124 Missouri adjusted gross income, determined pursuant to
125 section 143.121, a maximum of an amount equal to the greater
126 of: six thousand dollars in retirement benefits received
127 from sources other than privately funded sources, to the
128 extent such benefits are included in the taxpayer's federal
129 adjusted gross income; or fifty percent of the retirement
130 benefits received from sources other than privately funded
131 sources in the tax year, but not to exceed the maximum
132 Social Security benefit available for such tax year. For
133 the tax year beginning on or after January 1, 2010, but
134 ending on or before December 31, 2010, there shall be
135 subtracted from Missouri adjusted gross income, determined
136 pursuant to section 143.121, a maximum of an amount equal to
137 the greater of: six thousand dollars in retirement benefits
138 received from sources other than privately funded sources,
139 to the extent such benefits are included in the taxpayer's
140 federal adjusted gross income; or sixty-five percent of the
141 retirement benefits received from sources other than
142 privately funded sources in the tax year, but not to exceed
143 the maximum Social Security benefit available for such tax
144 year. For the tax year beginning on or after January 1,
145 2011, but ending on or before December 31, 2011, there shall
146 be subtracted from Missouri adjusted gross income,

determined pursuant to section 143.121, a maximum of an amount equal to the greater of: six thousand dollars in retirement benefits received from sources other than privately funded sources, to the extent such benefits are included in the taxpayer's federal adjusted gross income; or eighty percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. For all tax years beginning on or after January 1, 2012, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of an amount equal to one hundred percent of the retirement benefits received from sources other than privately funded sources in the tax year, but not to exceed the maximum Social Security benefit available for such tax year. **For all tax years beginning on or before December 31, 2023,** a taxpayer shall be entitled to the maximum exemption provided by this subsection:

(1) If the taxpayer's filing status is married filing combined, and their combined Missouri adjusted gross income is equal to or less than one hundred thousand dollars; or

(2) If the taxpayer's filing status is single, head of household, qualifying widow(er), or married filing separately, and the taxpayer's Missouri adjusted gross income is equal to or less than eighty-five thousand dollars.

For all tax years beginning on or after January 1, 2024, a taxpayer shall be entitled to the maximum exemption provided by this subsection regardless of the taxpayer's filing status or the amount of the taxpayer's Missouri adjusted gross income.

177 6. **For all tax years beginning on or before December**
178 **31, 2023,** if a taxpayer's adjusted gross income exceeds the
179 adjusted gross income ceiling for such taxpayer's filing
180 status, as provided in subdivisions (1) and (2) of
181 subsection 5 of this section, such taxpayer shall be
182 entitled to an exemption, less any applicable reduction
183 provided under subsection 7 of this section, equal to the
184 greater of zero or the maximum exemption provided in
185 subsection 5 of this section reduced by one dollar for every
186 dollar such taxpayer's income exceeds the ceiling for his or
187 her filing status.

188 7. For purposes of calculating the subtraction
189 provided in subsection 5 of this section, such subtraction
190 shall be decreased by an amount equal to any Social Security
191 benefit exemption provided under section 143.125.

192 8. For purposes of this section, any Social Security
193 benefits otherwise included in Missouri adjusted gross
194 income shall be subtracted; but Social Security benefits
195 shall not be subtracted for purposes of other computations
196 pursuant to this chapter, and are not to be considered as
197 retirement benefits for purposes of this section.

198 9. The provisions of subdivisions (1) and (2) of
199 subsection 3 of this section shall apply during all tax
200 years in which the federal Internal Revenue Code provides
201 exemption levels for calculation of the taxability of Social
202 Security benefits that are the same as the levels in
203 subdivisions (1) and (2) of subsection 3 of this section.
204 If the exemption levels for the calculation of the
205 taxability of Social Security benefits are adjusted by
206 applicable federal law or regulation, the exemption levels
207 in subdivisions (1) and (2) of subsection 3 of this section
208 shall be accordingly adjusted to the same exemption levels.

209 10. The portion of a taxpayer's lump sum distribution
210 from an annuity or other retirement plan not otherwise
211 included in Missouri adjusted gross income as calculated
212 pursuant to this chapter but subject to taxation under
213 Internal Revenue Code Section 402 shall be taxed in an
214 amount equal to ten percent of the taxpayer's federal
215 liability on such distribution for the same tax year.

216 11. For purposes of this section, retirement benefits
217 received shall not include any withdrawals from qualified
218 retirement plans which are subsequently rolled over into
219 another retirement plan.

220 12. The exemptions provided for in this section shall
221 not affect the calculation of the income to be used to
222 determine the property tax credit provided in sections
223 135.010 to 135.035.

224 13. The exemptions provided for in this section shall
225 apply to any annuity, pension, or retirement allowance as
226 defined in subsection 1 of this section to the extent that
227 such amounts are included in the taxpayer's federal adjusted
228 gross income and not otherwise deducted from the taxpayer's
229 federal adjusted gross income in the calculation of Missouri
230 taxable income. This subsection shall not apply to any
231 individual who qualifies under federal guidelines to be one
232 hundred percent disabled.

 143.125. 1. As used in this section, the following
2 terms mean:

3 (1) "Benefits", any Social Security benefits received
4 by a taxpayer age sixty-two years of age and older, or
5 Social Security disability benefits;

6 (2) "Taxpayer", any resident individual.

7 2. For the taxable year beginning on or after January
8 1, 2007, any taxpayer shall be allowed to subtract from the

9 taxpayer's Missouri adjusted gross income to determine
10 Missouri taxable income a maximum of an amount equal to
11 twenty percent of the amount of any benefits received by the
12 taxpayer and that are included in federal adjusted gross
13 income under Section 86 of the Internal Revenue Code of
14 1986, as amended. For the taxable year beginning on or
15 after January 1, 2008, any taxpayer shall be allowed to
16 subtract from the taxpayer's Missouri adjusted gross income
17 to determine Missouri taxable income a maximum of an amount
18 equal to thirty-five percent of the amount of any benefits
19 received by the taxpayer and that are included in federal
20 adjusted gross income under Section 86 of the Internal
21 Revenue Code of 1986, as amended. For the taxable year
22 beginning on or after January 1, 2009, any taxpayer shall be
23 allowed to subtract from the taxpayer's Missouri adjusted
24 gross income to determine Missouri taxable income a maximum
25 of an amount equal to fifty percent of the amount of any
26 benefits received by the taxpayer and that are included in
27 federal adjusted gross income under Section 86 of the
28 Internal Revenue Code of 1986, as amended. For the taxable
29 year beginning on or after January 1, 2010, any taxpayer
30 shall be allowed to subtract from the taxpayer's Missouri
31 adjusted gross income to determine Missouri taxable income a
32 maximum of an amount equal to sixty-five percent of the
33 amount of any benefits received by the taxpayer and that are
34 included in federal adjusted gross income under Section 86
35 of the Internal Revenue Code of 1986, as amended. For the
36 taxable year beginning on or after January 1, 2011, any
37 taxpayer shall be allowed to subtract from the taxpayer's
38 Missouri adjusted gross income to determine Missouri taxable
39 income a maximum of an amount equal to eighty percent of the
40 amount of any benefits received by the taxpayer and that are

41 included in federal adjusted gross income under Section 86
42 of the Internal Revenue Code of 1986, as amended. For all
43 taxable years beginning on or after January 1, 2012, any
44 taxpayer shall be allowed to subtract from the taxpayer's
45 Missouri adjusted gross income to determine Missouri taxable
46 income a maximum of an amount equal to one hundred percent
47 of the amount of any benefits received by the taxpayer and
48 that are included in federal adjusted gross income under
49 Section 86 of the Internal Revenue Code of 1986, as
50 amended. **For all tax years beginning on or before December**
51 **31, 2023,** a taxpayer shall be entitled to the maximum
52 exemption provided by this subsection:

53 (1) If the taxpayer's filing status is married filing
54 combined, and their combined Missouri adjusted gross income
55 is equal to or less than one hundred thousand dollars; or

56 (2) If the taxpayer's filing status is single, head of
57 household, qualifying widow(er), or married filing
58 separately, and the taxpayer's Missouri adjusted gross
59 income is equal to or less than eighty-five thousand dollars.

60 **For all tax years beginning on or after January 1, 2024, a**
61 **taxpayer shall be entitled to the maximum exemption provided**
62 **by this subsection regardless of the taxpayer's filing**
63 **status or the amount of the taxpayer's Missouri adjusted**
64 **gross income.**

65 3. **For all tax years beginning on or before December**
66 **31, 2023,** if a taxpayer's adjusted gross income exceeds the
67 adjusted gross income ceiling for such taxpayer's filing
68 status, as provided in subdivisions (1) and (2) of
69 subsection 2 of this section, such taxpayer shall be
70 entitled to an exemption equal to the greater of zero or the
71 maximum exemption provided in subsection 2 of this section

72 reduced by one dollar for every dollar such taxpayer's
73 income exceeds the ceiling for his or her filing status.

74 4. The director of the department of revenue may
75 promulgate rules to implement the provisions of this
76 section. Any rule or portion of a rule, as that term is
77 defined in section 536.010, that is created under the
78 authority delegated in this section shall become effective
79 only if it complies with and is subject to all of the
80 provisions of chapter 536 and, if applicable, section
81 536.028. This section and chapter 536 are nonseverable and
82 if any of the powers vested with the general assembly
83 pursuant to chapter 536 to review, to delay the effective
84 date, or to disapprove and annul a rule are subsequently
85 held unconstitutional, then the grant of rulemaking
86 authority and any rule proposed or adopted after August 28,
87 2007, shall be invalid and void.

169.070. 1. The retirement allowance of a member
2 whose age at retirement is sixty years or more and whose
3 creditable service is five years or more, or whose sum of
4 age and creditable service equals eighty years or more, or
5 who has attained age fifty-five and whose creditable service
6 is twenty-five years or more or whose creditable service is
7 thirty years or more regardless of age, may be the sum of
8 the following items, not to exceed one hundred percent of
9 the member's final average salary:

10 (1) Two and five-tenths percent of the member's final
11 average salary for each year of membership service;

12 (2) Six-tenths of the amount payable for a year of
13 membership service for each year of prior service not
14 exceeding thirty years.

15 In lieu of the retirement allowance otherwise provided in
16 subdivisions (1) and (2) of this subsection, a member may
17 elect to receive a retirement allowance of:

18 (3) Two and four-tenths percent of the member's final
19 average salary for each year of membership service, if the
20 member's creditable service is twenty-nine years or more but
21 less than thirty years, and the member has not attained age
22 fifty-five;

23 (4) Two and thirty-five-hundredths percent of the
24 member's final average salary for each year of membership
25 service, if the member's creditable service is twenty-eight
26 years or more but less than twenty-nine years, and the
27 member has not attained age fifty-five;

28 (5) Two and three-tenths percent of the member's final
29 average salary for each year of membership service, if the
30 member's creditable service is twenty-seven years or more
31 but less than twenty-eight years, and the member has not
32 attained age fifty-five;

33 (6) Two and twenty-five-hundredths percent of the
34 member's final average salary for each year of membership
35 service, if the member's creditable service is twenty-six
36 years or more but less than twenty-seven years, and the
37 member has not attained age fifty-five;

38 (7) Two and two-tenths percent of the member's final
39 average salary for each year of membership service, if the
40 member's creditable service is twenty-five years or more but
41 less than twenty-six years, and the member has not attained
42 age fifty-five;

43 (8) [Between July 1, 2001, and July 1, 2014,] Two and
44 fifty-five hundredths percent of the member's final average
45 salary for each year of membership service, if the member's

46 creditable service is **[thirty-one] thirty-two** years or more
47 regardless of age.

48 2. In lieu of the retirement allowance provided in
49 subsection 1 of this section, a member whose age is sixty
50 years or more on September 28, 1975, may elect to have the
51 member's retirement allowance calculated as a sum of the
52 following items:

53 (1) Sixty cents plus one and five-tenths percent of
54 the member's final average salary for each year of
55 membership service;

56 (2) Six-tenths of the amount payable for a year of
57 membership service for each year of prior service not
58 exceeding thirty years;

59 (3) Three-fourths of one percent of the sum of
60 subdivisions (1) and (2) of this subsection for each month
61 of attained age in excess of sixty years but not in excess
62 of age sixty-five.

63 3. (1) In lieu of the retirement allowance provided
64 either in subsection 1 or 2 of this section, collectively
65 called "option 1", a member whose creditable service is
66 twenty-five years or more or who has attained the age of
67 fifty-five with five or more years of creditable service may
68 elect in the member's application for retirement to receive
69 the actuarial equivalent of the member's retirement
70 allowance in reduced monthly payments for life during
71 retirement with the provision that:

72 Option 2.

73 Upon the member's death the reduced retirement
74 allowance shall be continued throughout the life
75 of and paid to such person as has an insurable
76 interest in the life of the member as the member
77 shall have nominated in the member's election of

the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected option 1; or

Option 3.

Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1; or

Option 4.

Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1; or

Option 5.

109 Upon the death of the member prior to the member
110 having received one hundred twenty monthly
111 payments of the member's reduced allowance, the
112 remainder of the one hundred twenty monthly
113 payments of the reduced allowance shall be paid
114 to such beneficiary as the member shall have
115 nominated in the member's election of the option
116 or in a subsequent nomination. If there is no
117 beneficiary so nominated who survives the member
118 for the remainder of the one hundred twenty
119 monthly payments, the total of the remainder of
120 such one hundred twenty monthly payments shall
121 be paid to the surviving spouse, surviving
122 children in equal shares, surviving parents in
123 equal shares, or estate of the last person, in
124 that order of precedence, to receive a monthly
125 allowance in a lump sum payment. If the total
126 of the one hundred twenty payments paid to the
127 retired individual and the beneficiary of the
128 retired individual is less than the total of the
129 member's accumulated contributions, the
130 difference shall be paid to the beneficiary in a
131 lump sum; or

132 Option 6.

133 Upon the death of the member prior to the member
134 having received sixty monthly payments of the
135 member's reduced allowance, the remainder of the
136 sixty monthly payments of the reduced allowance
137 shall be paid to such beneficiary as the member
138 shall have nominated in the member's election of
139 the option or in a subsequent nomination. If
140 there is no beneficiary so nominated who

141 survives the member for the remainder of the
142 sixty monthly payments, the total of the
143 remainder of such sixty monthly payments shall
144 be paid to the surviving spouse, surviving
145 children in equal shares, surviving parents in
146 equal shares, or estate of the last person, in
147 that order of precedence, to receive a monthly
148 allowance in a lump sum payment. If the total
149 of the sixty payments paid to the retired
150 individual and the beneficiary of the retired
151 individual is less than the total of the
152 member's accumulated contributions, the
153 difference shall be paid to the beneficiary in a
154 lump sum.

155 (2) The election of an option may be made only in the
156 application for retirement and such application must be
157 filed prior to the date on which the retirement of the
158 member is to be effective. If either the member or the
159 person nominated to receive the survivorship payments dies
160 before the effective date of retirement, the option shall
161 not be effective, provided that:

162 (a) If the member or a person retired on disability
163 retirement dies after acquiring twenty-five or more years of
164 creditable service or after attaining the age of fifty-five
165 years and acquiring five or more years of creditable service
166 and before retirement, except retirement with disability
167 benefits, and the person named by the member as the member's
168 beneficiary has an insurable interest in the life of the
169 deceased member, the designated beneficiary may elect to
170 receive either survivorship benefits under option 2 or a
171 payment of the accumulated contributions of the member. If
172 survivorship benefits under option 2 are elected and the

member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either a payment of the member's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

4. If the total of the retirement or disability allowance paid to an individual before the death of the individual is less than the accumulated contributions at the time of retirement, the difference shall be paid to the beneficiary of the individual, or to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the individual in that order of precedence. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and the beneficiary of the retired individual is less than the total of the contributions, the difference

shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

5. If a member dies and his or her financial institution is unable to accept the final payment or payments due to the member, the final payment or payments shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated. If the beneficiary of a deceased member dies and his or her financial institution is unable to accept the final payment or payments, the final payment or payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated.

6. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the death of the member shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or to the estate of the member, in that order of precedence; except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall

be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence.

7. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if the membership of the person is otherwise terminated, the member shall be paid the member's accumulated contributions with interest.

8. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a member ceases to be a public school employee after acquiring five or more years of membership service in Missouri, the member may at the option of the member leave the member's contributions with the retirement system and claim a retirement allowance any time after reaching the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's age, years of service, and the provisions of the law in effect at the time the member requests the member's retirement to become effective.

9. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which the member received a year of creditable service immediately prior to the member's disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which the member would have been entitled upon retirement at age sixty if the member had

269 continued to teach from the date of disability until age
270 sixty at the same salary rate.

271 10. Notwithstanding any provisions of sections 169.010
272 to 169.141 to the contrary, from October 13, 1961, the
273 contribution rate pursuant to sections 169.010 to 169.141
274 shall be multiplied by the factor of two-thirds for any
275 member of the system for whom federal Old Age and Survivors
276 Insurance tax is paid from state or local tax funds on
277 account of the member's employment entitling the person to
278 membership in the system. The monetary benefits for a
279 member who elected not to exercise an option to pay into the
280 system a retroactive contribution of four percent on that
281 part of the member's annual salary rate which was in excess
282 of four thousand eight hundred dollars but not in excess of
283 eight thousand four hundred dollars for each year of
284 employment in a position covered by this system between July
285 1, 1957, and July 1, 1961, as provided in subsection 10 of
286 this section as it appears in RSMo, 1969, shall be the sum
287 of:

288 (1) For years of service prior to July 1, 1946, six-
289 tenths of the full amount payable for years of membership
290 service;

291 (2) For years of membership service after July 1,
292 1946, in which the full contribution rate was paid, full
293 benefits under the formula in effect at the time of the
294 member's retirement;

295 (3) For years of membership service after July 1,
296 1957, and prior to July 1, 1961, the benefits provided in
297 this section as it appears in RSMo, 1959; except that if the
298 member has at least thirty years of creditable service at
299 retirement the member shall receive the benefit payable

300 pursuant to that section as though the member's age were
301 sixty-five at retirement;

302 (4) For years of membership service after July 1,
303 1961, in which the two-thirds contribution rate was paid,
304 two-thirds of the benefits under the formula in effect at
305 the time of the member's retirement.

306 11. The monetary benefits for each other member for
307 whom federal Old Age and Survivors Insurance tax is or was
308 paid at any time from state or local funds on account of the
309 member's employment entitling the member to membership in
310 the system shall be the sum of:

311 (1) For years of service prior to July 1, 1946, six-
312 tenths of the full amount payable for years of membership
313 service;

314 (2) For years of membership service after July 1,
315 1946, in which the full contribution rate was paid, full
316 benefits under the formula in effect at the time of the
317 member's retirement;

318 (3) For years of membership service after July 1,
319 1957, in which the two-thirds contribution rate was paid,
320 two-thirds of the benefits under the formula in effect at
321 the time of the member's retirement.

322 12. Any retired member of the system who was retired
323 prior to September 1, 1972, or beneficiary receiving
324 payments under option 1 or option 2 of subsection 3 of this
325 section, as such option existed prior to September 1, 1972,
326 will be eligible to receive an increase in the retirement
327 allowance of the member of two percent for each year, or
328 major fraction of more than one-half of a year, which the
329 retired member has been retired prior to July 1, 1975. This
330 increased amount shall be payable commencing with January,
331 1976, and shall thereafter be referred to as the member's

retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be reduced because of any increases provided for in this section.

13. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board with the provision that the increases provided for in this subsection shall not become effective until the fourth January first following the member's retirement or January 1, 1977, whichever later occurs, or in the case of any member retiring on or after July 1, 2000, the increase provided for in this subsection shall not become effective until the third January first following the member's retirement, or in the case of any member retiring on or after July 1, 2001, the increase provided for in this subsection shall not become effective until the second January first following the member's retirement. Commencing with January 1, 1992, if the board of trustees determines that the cost of living has increased five percent or more in the preceding fiscal year, the board shall increase the retirement allowances by five percent. The total of the increases granted to a retired member or the beneficiary after December 31, 1976, may not exceed eighty percent of the retirement allowance established at retirement or as previously adjusted by other subsections. If the cost of

364 living increases less than five percent, the board of
365 trustees may determine the percentage of increase to be made
366 in retirement allowances, but at no time can the increase
367 exceed five percent per year. If the cost of living
368 decreases in a fiscal year, there will be no increase in
369 allowances for retired members on the following January
370 first.

371 14. The board of trustees may reduce the amounts which
372 have been granted as increases to a member pursuant to
373 subsection 13 of this section if the cost of living, as
374 determined by the board and as measured by generally
375 accepted standards, is less than the cost of living was at
376 the time of the first increase granted to the member; except
377 that, the reductions shall not exceed the amount of
378 increases which have been made to the member's allowance
379 after December 31, 1976.

380 15. Any application for retirement shall include a
381 sworn statement by the member certifying that the spouse of
382 the member at the time the application was completed was
383 aware of the application and the plan of retirement elected
384 in the application.

385 16. Notwithstanding any other provision of law, any
386 person retired prior to September 28, 1983, who is receiving
387 a reduced retirement allowance under option 1 or option 2 of
388 subsection 3 of this section, as such option existed prior
389 to September 28, 1983, and whose beneficiary nominated to
390 receive continued retirement allowance payments under the
391 elected option dies or has died, shall upon application to
392 the board of trustees have his or her retirement allowance
393 increased to the amount he or she would have been receiving
394 had the option not been elected, actuarially adjusted to

395 recognize any excessive benefits which would have been paid
396 to him or her up to the time of application.

397 17. Benefits paid pursuant to the provisions of the
398 public school retirement system of Missouri shall not exceed
399 the limitations of Section 415 of Title 26 of the United
400 States Code except as provided pursuant to this subsection.
401 Notwithstanding any other law to the contrary, the board of
402 trustees may establish a benefit plan pursuant to Section
403 415(m) of Title 26 of the United States Code. Such plan
404 shall be created solely for the purpose described in Section
405 415(m) (3) (A) of Title 26 of the United States Code. The
406 board of trustees may promulgate regulations necessary to
407 implement the provisions of this subsection and to create
408 and administer such benefit plan.

409 18. Notwithstanding any other provision of law to the
410 contrary, any person retired before, on, or after May 26,
411 1994, shall be made, constituted, appointed and employed by
412 the board as a special consultant on the matters of
413 education, retirement and aging, and upon request shall give
414 written or oral opinions to the board in response to such
415 requests. As compensation for such duties the person shall
416 receive an amount based on the person's years of service so
417 that the total amount received pursuant to sections 169.010
418 to 169.141 shall be at least the minimum amounts specified
419 in subdivisions (1) to (4) of this subsection. In
420 determining the minimum amount to be received, the amounts
421 in subdivisions (3) and (4) of this subsection shall be
422 adjusted in accordance with the actuarial adjustment, if
423 any, that was applied to the person's retirement allowance.
424 In determining the minimum amount to be received, beginning
425 September 1, 1996, the amounts in subdivisions (1) and (2)
426 of this subsection shall be adjusted in accordance with the

actuarial adjustment, if any, that was applied to the person's retirement allowance due to election of an optional form of retirement having a continued monthly payment after the person's death. Notwithstanding any other provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on the person's years of service less than the following amounts:

(1) Thirty or more years of service, one thousand two hundred dollars;

(2) At least twenty-five years but less than thirty years, one thousand dollars;

(3) At least twenty years but less than twenty-five years, eight hundred dollars;

(4) At least fifteen years but less than twenty years, six hundred dollars.

19. Notwithstanding any other provisions of law to the contrary, any person retired prior to May 26, 1994, and any designated beneficiary of such a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 1996, as compensation for such service, the member shall have added, pursuant to this subsection, to the member's monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as compensation for

such service have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. The total compensation provided by this section including the compensation provided by this subsection shall be used in calculating any future cost-of-living adjustments provided by subsection 13 of this section.

20. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive a payment equivalent to eight and seven-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

21. Any member who has retired shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such request. As compensation for such duties, the beneficiary of the retired member, or, if there is no beneficiary, the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the retired member, in that order of precedence, shall receive as a part of

490 compensation for these duties a death benefit of five
491 thousand dollars.

492 22. Any member who has retired prior to July 1, 1999,
493 and the designated beneficiary of a retired member who was
494 deceased prior to July 1, 1999, shall be made, constituted,
495 appointed and employed by the board as a special consultant
496 on the matters of education, retirement and aging, and upon
497 request shall give written or oral opinions to the board in
498 response to such requests. As compensation for such duties,
499 the person shall have added, pursuant to this subsection, to
500 the monthly annuity as provided by this section a dollar
501 amount equal to five dollars times the member's number of
502 years of creditable service.

503 23. Any member who has retired prior to July 1, 2000,
504 and the designated beneficiary of a deceased retired member
505 shall be made, constituted, appointed and employed by the
506 board as a special consultant on the matters of education,
507 retirement and aging, and upon request shall give written or
508 oral opinions to the board in response to such requests. As
509 compensation for such duties, the person shall receive a
510 payment equivalent to three and five-tenths percent of the
511 previous month's benefit, which shall be added to the member
512 or beneficiary's monthly annuity and which shall not be
513 subject to the provisions of subsections 13 and 14 of this
514 section for the purposes of the limit on the total amount of
515 increases which may be received.

516 24. Any member who has retired prior to July 1, 2001,
517 and the designated beneficiary of a deceased retired member
518 shall be made, constituted, appointed and employed by the
519 board as a special consultant on the matters of education,
520 retirement and aging, and upon request shall give written or
521 oral opinions to the board in response to such requests. As

522 compensation for such duties, the person shall receive a
523 dollar amount equal to three dollars times the member's
524 number of years of creditable service, which shall be added
525 to the member's or beneficiary's monthly annuity and which
526 shall not be subject to the provisions of subsections 13 and
527 14 of this section for the purposes of the limit on the
528 total amount of increases which may be received.

169.141. 1. Any person receiving a retirement
2 allowance under sections 169.010 to 169.140, and who elected
3 a reduced retirement allowance under subsection 3 of section
4 169.070 with his or her spouse as the nominated beneficiary,
5 may nominate a successor beneficiary under either of the
6 following circumstances:

7 (1) If the nominated beneficiary precedes the retired
8 person in death, the retired person may, upon remarriage,
9 nominate the new spouse under the same option elected in the
10 application for retirement;

11 (2) If the marriage of the retired person and the
12 nominated beneficiary is dissolved, and if the dissolution
13 decree provides for sole retention by the retired person of
14 all rights in the retirement allowance, the retired person
15 may, upon remarriage, nominate the new spouse under the same
16 option elected in the application for retirement.

17 2. Any nomination of a successor beneficiary under
18 subdivision (1) or (2) of subsection 1 of this section must
19 be made in accordance with procedures established by the
20 board of trustees, and must be filed within ninety days of
21 May 6, 1993, or within one year of the remarriage, whichever
22 later occurs. Upon receipt of a successor nomination filed
23 in accordance with those procedures, the board shall adjust
24 the retirement allowance to reflect actuarial considerations

25 of that nomination as well as previous beneficiary and
26 successor beneficiary nominations.

27 3. Any person receiving a retirement allowance under
28 sections 169.010 to 169.140 who elected a reduced retirement
29 allowance under subsection 3 of section 169.070 with his or
30 her spouse as the nominated beneficiary may have the
31 retirement allowance increased to the amount the retired
32 member would be receiving had the retired member elected
33 option 1 if:

34 (1) The marriage of the retired person and the
35 nominated spouse is dissolved on or after September 1, 2017,
36 and the dissolution decree provides for sole retention by
37 the retired person of all rights in the retirement
38 allowance; or

39 (2) The marriage of the retired person and the
40 nominated spouse was dissolved before September 1, 2017, and:

41 (a) The dissolution decree provides for sole retention
42 by the retired person of all rights in the retirement
43 allowance, and the parties obtain an amended or modified
44 dissolution decree after September 1, 2017, providing for
45 the immediate removal of the nominated spouse, or the
46 nominated spouse consents in writing to his or her immediate
47 removal as nominated beneficiary and disclaims all rights to
48 future benefits to the satisfaction of the board of
49 trustees; or

50 (b) The dissolution decree does not provide for sole
51 retention by the retired person of all rights in the
52 retirement allowance and the parties obtain an amended or
53 modified dissolution decree after September 1, 2017, which
54 provides for sole retention by the retired person of all
55 rights in the retirement allowance; and

(3) The person receives a retirement allowance under subsection 3 of section 169.070.

Any such increase in the retirement allowance shall be effective upon the receipt of an application for such increase and a certified copy of the decree of dissolution and separation agreement, if applicable, that meets the requirements of this section.

4. Any person receiving a retirement allowance under sections 169.010 to 169.140, who, on or before September 1, 2015, elected a reduced retirement allowance under subsection 3 of section 169.070 with his or her same-sex domestic partner as the nominated beneficiary, may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected option 1 if:

(1) The retired person executes an affidavit attesting to the existence of a same-sex domestic partnership at the time of the nomination of the beneficiary and that the same-sex domestic partnership has since ended, with such supporting information and documentation as required by the board of trustees;

(2) The nominated beneficiary consents in writing to his or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of trustees, or the parties obtain a court order or judgment after September 1, 2023, which provides that the nominated beneficiary may be removed;

(3) If the retired person and the nominated beneficiary were legally married in a state that recognized same-sex marriage at the time of retirement or have since become legally married, the marriage must be dissolved and

87 the dissolution decree must provide for sole retention by
88 the retired person of all rights in the retirement
89 allowance; and

90 (4) The person receives a retirement allowance under
91 subsection 3 of section 169.070.

92 5. Any person receiving a retirement allowance under
93 sections 169.010 to 169.140, who, on or before September 1,
94 2015, elected a reduced retirement allowance under
95 subsection 3 of section 169.070 with his or her same-sex
96 domestic partner as the nominated beneficiary, may nominate
97 a successor beneficiary under the following circumstances:

98 (1) If the nominated same-sex domestic partner
99 precedes the retired person in death, and the retired person
100 executes an affidavit attesting to the existence of the same-
101 sex domestic partnership at the time of the nomination of
102 the beneficiary, the retired person may, upon a later
103 marriage, nominate his or her spouse under the same option
104 elected in the application for retirement; or

105 (2) If the retired person executes an affidavit
106 attesting to the existence of the same-sex domestic
107 partnership at the time of the nomination of the beneficiary
108 and that the same-sex domestic partnership has since ended,
109 and the nominated same-sex domestic partner consents in
110 writing to his or her immediate removal as nominated
111 beneficiary and disclaims all rights to future benefits to
112 the satisfaction of the board of trustees or the parties
113 obtain a court order or judgment after September 1, 2023,
114 which provides that the nominated beneficiary may be
115 removed, the retired person may, upon a later marriage,
116 nominate his or her spouse under the same option elected in
117 the application for retirement;

118 (3) In addition to the requirements of subsection (2)
119 of this section, if the retired person and the nominated
120 beneficiary were legally married in a state that recognized
121 same-sex marriage at the time of retirement or have since
122 become legally married, the marriage must be dissolved and
123 the dissolution decree must provide for sole retention by
124 the retired person of all rights in the retirement allowance.

125 6. Any nomination of successor beneficiary under
126 subdivision (1) or (2) of subsection 5 of this section shall
127 be made in accordance with procedures established by the
128 board of trustees, and shall be filed within one year of
129 September 1, 2023, or within one year of the marriage of the
130 retired person and successor beneficiary, whichever later
131 occurs. Upon receipt of a successor nomination filed in
132 accordance with those procedures, the board shall adjust the
133 retirement allowance to reflect actuarial considerations of
134 that nomination as well as previous beneficiary and
135 successor beneficiary nominations.

136 7. For purposes of this section, the definition of
137 "same-sex domestic partners" shall be individuals of the
138 same sex who are at least eighteen years of age, who are not
139 related to a degree that would prohibit their marriage in
140 the law of the state where they reside, who are not married
141 to or a domestic partner of another person, and who live
142 together in a long-term relationship of indefinite duration
143 with an exclusive mutual commitment in which the domestic
144 partners agree to be jointly responsible for their common
145 welfare and to share financial obligations. For purposes of
146 this section, "same-sex domestic partners" shall also
147 include individuals of the same sex who were legally married
148 in a state that recognized same-sex marriage.

169.560. 1. Any person retired and currently
2 receiving a retirement allowance pursuant to sections
3 169.010 to 169.141, other than for disability, may be
4 employed in any capacity for an employer included in the
5 retirement system created by those sections on either a part-
6 time or temporary-substitute basis not to exceed a total of
7 five hundred fifty hours in any one school year, and through
8 such employment may earn up to fifty percent of the annual
9 compensation payable under the employer's salary schedule
10 for the position or positions filled by the retiree, given
11 such person's level of experience and education, without a
12 discontinuance of the person's retirement allowance. If the
13 employer does not utilize a salary schedule, or if the
14 position in question is not subject to the employer's salary
15 schedule, a retiree employed in accordance with the
16 provisions of this subsection may earn up to fifty percent
17 of the annual compensation paid to the person or persons who
18 last held such position or positions. If the position or
19 positions did not previously exist, the compensation limit
20 shall be determined in accordance with rules duly adopted by
21 the board of trustees of the retirement system; provided
22 that, it shall not exceed fifty percent of the annual
23 compensation payable for the position by the employer that
24 is most comparable to the position filled by the retiree.
25 In any case where a retiree fills more than one position
26 during the school year, the fifty-percent limit on permitted
27 earning shall be based solely on the annual compensation of
28 the highest paid position occupied by the retiree for at
29 least one-fifth of the total hours worked during the year.
30 Such a person shall not contribute to the retirement system
31 or to the public education employee retirement system
32 established by sections 169.600 to 169.715 because of

earnings during such period of employment. If such a person is employed in any capacity by such an employer in excess of the limitations set forth in this subsection, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed. In addition, such person shall contribute to the retirement system if the person satisfies the retirement system's membership eligibility requirements. In addition to the conditions set forth above, this subsection shall apply to any person retired and currently receiving a retirement allowance under sections 169.010 to 169.141, other than for disability, who is employed by a third party or is performing work as an independent contractor, if such person is performing work for an employer included in the retirement system as a temporary or long-term substitute teacher or in any other position that would normally require that person to be duly certificated under the laws governing the certification of teachers in Missouri if such person was employed by the district. The retirement system may require the employer, the third-party employer, the independent contractor, and the retiree subject to this subsection to provide documentation showing compliance with this subsection. If such documentation is not provided, the retirement system may deem the retiree to have exceeded the limitations provided in this subsection.

2. Notwithstanding any other provision of this section, any person retired and currently receiving a retirement allowance in accordance with sections 169.010 to 169.141, other than for disability, may be employed by an employer included in the retirement system created by those sections in a position that does not normally require a person employed in that position to be duly certificated

65 under the laws governing the certification of teachers in
66 Missouri, and through such employment may earn, **beginning on**
67 **August 28, 2023, and ending on June 30, 2028,** up to [sixty
68 percent of the minimum teacher's salary as set forth in
69 section 163.172] **one hundred thirty-three percent of the**
70 **annual earnings exemption amount applicable to a Social**
71 **Security recipient before the calendar year of attainment of**
72 **full retirement age under 20 CFR 404.430, and, after June**
73 **30, 2028, up to the annual earnings exemption amount**
74 **applicable to a Social Security recipient before the**
75 **calendar year of attainment of full retirement age under 20**
76 **CFR 404.420, without a discontinuance of the person's**
77 **retirement allowance from the retirement system. The Social**
78 **Security annual earnings exemption amount applied shall be**
79 **the exemption amount in effect for the calendar year in**
80 **which the school year begins.** Such person shall not
81 contribute to the retirement system or to the public
82 education employee retirement system established by sections
83 169.600 to 169.715 because of earnings during such period of
84 employment, and such person shall not earn membership
85 service for such employment. The employer's contribution
86 rate shall be paid by the hiring employer into the public
87 education employee retirement system established by sections
88 169.600 to 169.715. If such a person is employed in any
89 capacity by an employer in excess of the limitations set
90 forth in this subsection, the person shall not be eligible
91 to receive the person's retirement allowance for any month
92 during which the person is so employed. In addition, such
93 person shall become a member of and contribute to any
94 retirement system described in this subsection if the person
95 satisfies the retirement system's membership eligibility
96 requirements. The provisions of this subsection shall not

97 apply to any person retired and currently receiving a
98 retirement allowance in accordance with sections 169.010 to
99 169.141 employed by a public community college **or employer**
100 **under subsection 4 of section 169.130.**

169.596. 1. Notwithstanding any other provision of
2 this chapter to the contrary, a retired certificated teacher
3 receiving a retirement benefit from the retirement system
4 established pursuant to sections 169.010 to 169.141 may,
5 without losing his or her retirement benefit, teach full
6 time for up to [two] **four** years for a school district
7 covered by such retirement system; provided that the school
8 district has a shortage of certified teachers, as determined
9 by the school district, and provided that no such retired
10 certificated teacher shall be employed as a superintendent.
11 The total number of such retired certificated teachers shall
12 not exceed, at any one time, the [lesser of ten percent of
13 the total teacher] **greater of one percent of the total**
14 **certificated teachers and noncertificated** staff for that
15 school district, or five certificated teachers.

16 2. Notwithstanding any other provision of this chapter
17 to the contrary, a person receiving a retirement benefit
18 from the retirement system established pursuant to sections
19 169.600 to 169.715 may, without losing his or her retirement
20 benefit, be employed full time for up to [two] **four** years
21 for a school district covered by such retirement system;
22 provided that the school district has a shortage of
23 noncertificated employees, as determined by the school
24 district. The total number of such retired noncertificated
25 employees shall not exceed, at any one time, the lesser of
26 ten percent of the total noncertificated staff for that
27 school district, or five employees.

28 3. The employer's contribution rate shall be paid by
29 the hiring school district.

30 4. In order to hire teachers and noncertificated
31 employees pursuant to the provisions of this section, the
32 school district shall:

33 (1) Show a good faith effort to fill positions with
34 nonretired certificated teachers or nonretired
35 noncertificated employees;

36 (2) Post the vacancy for at least one month;

37 (3) Have not offered early retirement incentives for
38 either of the previous two years;

39 (4) Solicit applications through the local newspaper,
40 other media, or teacher education programs;

41 (5) Determine there is an insufficient number of
42 eligible applicants for the advertised position; and

43 (6) Declare a critical shortage of certificated
44 teachers or noncertificated employees that is active for one
45 year.

46 5. Any person hired pursuant to this section shall be
47 included in the State Directory of New Hires for purposes of
48 income and eligibility verification pursuant to 42 U.S.C.
49 Section 1320b-7.

169.715. 1. Any person receiving a retirement
2 allowance under sections 169.600 to 169.712, and who elected
3 a reduced retirement allowance under subsection 4 of section
4 169.670 with his or her spouse as the nominated beneficiary,
5 may nominate a successor beneficiary under either of the
6 following circumstances:

7 (1) If the nominated beneficiary precedes the retired
8 person in death, the retired person may, upon remarriage,
9 nominate the new spouse under the same option elected in the
10 application for retirement;

11 (2) If the marriage of the retired person and the
12 nominated beneficiary is dissolved, and if the dissolution
13 decree provides for sole retention by the retired person of
14 all rights in the retirement allowance, the retired person
15 may, upon remarriage, nominate the new spouse under the same
16 option elected in the application for retirement.

17 2. Any nomination of a successor beneficiary under
18 subdivision (1) or (2) of subsection 1 of this section must
19 be made in accordance with procedures established by the
20 board of trustees, and must be filed within ninety days of
21 May 6, 1993, or within one year of the remarriage, whichever
22 later occurs. Upon receipt of a successor nomination filed
23 in accordance with those procedures, the board shall adjust
24 the retirement allowance to reflect actuarial considerations
25 of that nomination as well as previous beneficiary and
26 successor beneficiary nominations.

27 3. Any person receiving a retirement allowance under
28 sections 169.600 to 169.715 who elected a reduced retirement
29 allowance under subsection 4 of section 169.670 with his or
30 her spouse as the nominated beneficiary may have the
31 retirement allowance increased to the amount the retired
32 member would be receiving had the retired member elected
33 option 1 if:

34 (1) The marriage of the retired person and the
35 nominated spouse is dissolved on or after September 1, 2017,
36 and the dissolution decree provides for sole retention by
37 the retired person of all rights in the retirement
38 allowance; or

39 (2) The marriage of the retired person and the
40 nominated spouse was dissolved before September 1, 2017, and:

41 (a) The dissolution decree provides for sole retention
42 by the retired person of all rights in the retirement

allowance, and the parties obtain an amended or modified dissolution decree after September 1, 2017, providing for the immediate removal of the nominated spouse, or the nominated spouse consents in writing to his or her immediate removal as nominated beneficiary and disclaims all rights to future benefits to the satisfaction of the board of trustees; or

(b) The dissolution decree does not provide for sole retention by the retired person of all rights in the retirement allowance and the parties obtain an amended or modified dissolution decree after September 1, 2017, which provides for sole retention by the retired person of all rights in the retirement allowance; and

(3) The person receives a retirement allowance under subsection 4 of section 169.670.

Any such increase in the retirement allowance shall be effective upon the receipt of an application for such increase and a certified copy of the decree of dissolution and separation agreement, if applicable, that meets the requirements of this section.

4. Any person receiving a retirement allowance under sections 169.600 to 169.712, who, on or before September 1, 2015, elected a reduced retirement allowance under subsection 4 of section 169.670 with his or her same-sex domestic partner as the nominated beneficiary, may have the retirement allowance increased to the amount the retired member would be receiving had the retired member elected option 1 if:

(1) The retired person executes an affidavit attesting to the existence of a same-sex domestic partnership at the time of the nomination of the beneficiary and that the same-

74 sex domestic partnership has since ended, with such
75 supporting information and documentation as required by the
76 board of trustees;

77 (2) The nominated beneficiary consents in writing to
78 his or her immediate removal as nominated beneficiary and
79 disclaims all rights to future benefits to the satisfaction
80 of the board of trustees, or the parties obtain a court
81 order or judgment after September 1, 2023, which provides
82 that the nominated beneficiary may be removed;

83 (3) If the retired person and the nominated
84 beneficiary were legally married in a state that recognized
85 same-sex marriage at the time of retirement or have since
86 become legally married, the marriage must be dissolved and
87 the dissolution decree must provide for sole retention by
88 the retired person of all rights in the retirement
89 allowance; and

90 (4) The person receives a retirement allowance under
91 subsection 4 of section 169.670.

92 5. Any person receiving a retirement allowance under
93 sections 169.600 to 169.712, who, on or before September 1,
94 2015, elected a reduced retirement allowance under
95 subsection 4 of section 169.670 with his or her same-sex
96 domestic partner as the nominated beneficiary, may nominate
97 a successor beneficiary under the following circumstances:

98 (1) If the nominated same-sex domestic partner
99 precedes the retired person in death, and the retired person
100 executes an affidavit attesting to the existence of the same-
101 sex domestic partnership at the time of the nomination of
102 the beneficiary, the retired person may, upon a later
103 marriage, nominate his or her spouse under the same option
104 elected in the application for retirement; or

105 (2) If the retired person executes an affidavit
106 attesting to the existence of the same-sex domestic
107 partnership at the time of the nomination of the beneficiary
108 and that the same-sex domestic partnership has since ended,
109 and the nominated same-sex domestic partner consents in
110 writing to his or her immediate removal as nominated
111 beneficiary and disclaims all rights to future benefits to
112 the satisfaction of the board of trustees or the parties
113 obtain a court order or judgment after September 1, 2023,
114 which provides that the nominated beneficiary may be
115 removed, the retired person may, upon a later marriage,
116 nominate his or her spouse under the same option elected in
117 the application for retirement;

118 (3) In addition to the requirements of subdivision (2)
119 of this subsection, if the retired person and the nominated
120 beneficiary were legally married in a state that recognized
121 same-sex marriage at the time of retirement or have since
122 become legally married, the marriage must be dissolved and
123 the dissolution decree must provide for sole retention by
124 the retired person of all rights in the retirement allowance.

125 6. Any nomination of successor beneficiary under
126 subdivision (1) or (2) of subsection 5 of this section shall
127 be made in accordance with procedures established by the
128 board of trustees, and shall be filed within one year of
129 September 1, 2023, or within one year of the marriage of the
130 retired person and successor beneficiary, whichever later
131 occurs. Upon receipt of a successor nomination filed in
132 accordance with those procedures, the board shall adjust the
133 retirement allowance to reflect actuarial considerations of
134 that nomination as well as previous beneficiary and
135 successor beneficiary nominations.

136 7. For purposes of this section, the definition of
137 "same-sex domestic partners" shall mean individuals of the
138 same sex who are at least eighteen years of age, who are not
139 related to a degree that would prohibit their marriage in
140 the law of the state where they reside, who are not married
141 to or a domestic partner of another person, and who live
142 together in a long-term relationship of indefinite duration
143 with an exclusive mutual commitment in which the domestic
144 partners agree to be jointly responsible for their common
145 welfare and to share financial obligations. For purposes of
146 this section, "same-sex domestic partners" shall also
147 include individuals of the same sex who were legally married
148 in a state that recognized same-sex marriage.

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